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Monterey Gourmet Foods, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MONTEREY GOURMET FOODS,  
INC., a Delaware corporation,

Plaintiff,

vs.

WINDSOR QUALITY FOOD  
COMPANY LTD., a Texas Limited  
Partnership; and DOES 1 through 20,  
inclusive,

Defendants.

AND RELATED COUNTERCLAIM.

No. C08-01316 (JCS)

Case assigned for all purposes to  
Hon. Joseph C. Spero

**STIPULATION AND REQUEST FOR  
DISMISSAL WITH PREJUDICE;  
[PROPOSED] ORDER**

It is hereby stipulated and agreed by and between the affected parties, by and through their respective counsel, that the above-entitled action (including all claims and counterclaims) shall be dismissed in its entirety as to all parties, with prejudice, each party bearing their own attorney's fees and costs. Accordingly, the parties jointly request entry of an order dismissing the entire case (including all claims and counterclaims) as to all parties, with prejudice.

**THE FOREGOING IS SO STIPULATED.**

1 Dated: August 7, 2008

2 SHAPIRO BUCHMAN PROVINE & PATTON LLP

3 By: /s/ John H. Patton  
4 John H. Patton  
5 Attorneys for Plaintiff and Counterdefendant  
6 Monterey Gourmet Foods, Inc.

7 Dated: August 7, 2008

8 McAFEE & TAFT

9 By: /s/ Robert W. Dace  
10 Robert W. Dace  
11 Lead Attorney for Defendant and Counterclaimant  
12 Windsor Quality Food Company Ltd.

13 ATTESTATION OF ELECTRONIC FILING

14 As the attorney for Plaintiff and Counterdefendant e-filing this document, I hereby  
15 attest that Robert W. Dace concurred in this filing.

16 Dated: August 7, 2008

17 SHAPIRO BUCHMAN PROVINE & PATTON LLP

18 /s/ John H. Patton  
19 John H. Patton  
20 Attorneys for Plaintiff and Counterdefendant  
21 Monterey Gourmet Foods, Inc.

22 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED**

23 Dated: \_\_\_\_\_, 2008

24  
25 By: \_\_\_\_\_  
26 Joseph C. Spero  
27 UNITED STATES MAGISTRATE JUDGE

28 210754.1